

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

IN THE MATTER OF

NAME(S): MOSELLER, WILBUR BRAINERD  
MOSELLER, LORRAINE GIBSON

CHAPTER 13 NO. 10-40731  
OUR FILE NO. 13275-WG

ADDRESS: P.O. BOX 77  
LYNN, NC 28750

SSN: --- - 2637 & --- - 5022

DEBTORS

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APPLICATION FOR ADDITIONAL BASE LEGAL FEE

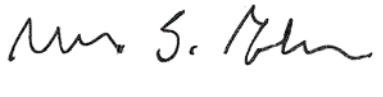
COME NOW the above-named debtors, by and through their attorney of record, William S. Gardner, and respectfully move the Court for approval of a base legal fee of \$4,000.00 and in connection herewith show unto the Court the following:

1. This case was commenced by the filing of a petition with the Clerk of this Court on August 31, 2010.
2. The venue of this case was and is in the Shelby Division.
3. The filing of this proceeding, in conjunction with subsequent and anticipated matters related to this filing, have and will result in expending numerous hours over and above the typical amount required to complete services normally contemplated in a Chapter 13 filing due to the nature of this case (i.e. business Chapter 13 filing). For these reasons the attorney for the debtors is now moving the court for approval of a base fee in the sum of \$4,000.00.

WHEREFORE, the attorney for the debtors respectfully prays of the Court as follows:

1. That the Court approve a base fee of \$4,000.00; and
2. That movant have such other and further relief as the Court may deem just and proper.

Dated this 18<sup>th</sup> day of October 2010.



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William S. Gardner  
Gardner Law Offices  
Attorney for the Debtor  
P.O. Box 1000, Shelby, NC 28151-1000  
N.C. State Bar No. 32684  
(704) 487-0616/Fax (888) 870-1644  
e-mail: bgardner@maxgardner.com

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION**

**IN THE MATTER OF**

**NAME(S): MOSSELLER, WILBUR BRAINERD  
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**ADDRESS: P.O. BOX 77  
LYNN, NC 28750**

**SSN: --- - 2637 & --- - 5022**

**DEBTORS.**

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**NOTICE OF OPPORTUNITY FOR HEARING  
ON ADDITIONAL BASE FEE APPLICATION**

**(No-Protest Notice: No Hearing Will Be Held  
Unless Request For Hearing Is Filed)**

**PLEASE TAKE NOTICE** that the attorney for the debtors has moved the court for approval of a base fee of \$4,000.00.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY  
AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY  
CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

**TAKE FURTHER NOTICE** that if you do not want the Court to grant the relief requested by the debtor(s) in their motion, or if you want the Court to consider your views on the motion, then on or before the **10<sup>th</sup> day of November 2010**, you or your attorney must do three (3) things:

1. **File with the court a written request for a hearing and a written response if you desire to file one at:**

United States Bankruptcy Court  
Western District of North Carolina  
P.O. Box 34189  
Charlotte, NC 28234-4189

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

William S. Gardner  
Attorney for the Debtor(s)  
P.O. Box 1000  
Shelby, NC 28151-1000

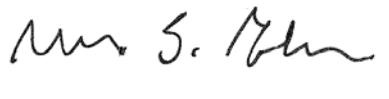
and to:

Steven G. Tate  
Chapter 13 Trustee  
P.O. Box 1778  
Statesville, NC 28687-1778

3. **Attend the hearing scheduled for Friday, December 17, 2010, at 9:30 a.m.**  
in Courtroom Number 5 at the Cleveland County Courthouse and Law Enforcement Center, 100 Justice Place, Shelby, North Carolina.

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated this 18<sup>th</sup> day of October 2010.



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William S. Gardner  
Gardner Law Offices  
Attorney for the Debtor  
P.O. Box 1000, Shelby, NC 28151-1000  
N.C. State Bar No. 32684  
(704) 487-0616/Fax (888) 870-1644  
e-mail: [bgardner@maxgardner.com](mailto:bgardner@maxgardner.com)

**CERTIFICATE OF SERVICE**

**WILLIAM S. GARDNER**, attorney for the debtors, hereby certifies to the Court as follows:

1. I am not a party for the foregoing proceeding;
2. I am not less than 18 years of age;

3. I have this day served a copy of the foregoing **APPLICATION FOR ADDITIONAL**

**BASE LEGAL FEE AND NOTICE OF OPPORTUNITY FOR HEARING** on the following parties in interest via the Bankruptcy Court's Electronic Case Filing system as follows:

Steven G. Tate  
Chapter 13 Trustee  
P.O. Box 1778  
Statesville, NC 28687-1778

Linda W. Simpson  
Bankruptcy Administrator  
402 W. Trade St., Room 200  
Charlotte, NC 28202-1664

4. I have this day served a copy of the foregoing **APPLICATION FOR ADDITIONAL**  
**BASE LEGAL FEE AND NOTICE OF OPPORTUNITY FOR HEARING** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

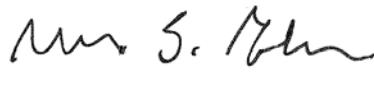
Wilbur Brainerd Mosseller Jr.  
Lorraine Gibson Mosseller  
P.O. Box 77  
Lynn, NC 28750

5. I have also served copies of the **APPLICATION AND NOTICE** on all creditors listed on the master mailing matrix, a copy of which is attached hereto, in the same manner and method as described in paragraph number 3 above;

6. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

7. Service as outlined herein was made within the United States of America.

Dated this \_\_\_\_ day of October 2010.



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William S. Gardner  
Gardner Law Offices  
Attorney for the Debtor  
P.O. Box 1000, Shelby, NC 28151-1000  
N.C. State Bar No. 32684  
(704) 487-0616/Fax (888) 870-1644  
e-mail: bgardner@maxgardner.com

MATRIX ATTACHED HERETO AS EXHIBIT "A"

Bank Of America Bankruptcy Dept.

Dept NC4-105-03-14

P.O. Box 26012

Greensboro, NC 27420-6012

Bank of America N.A.

Post Office Box 26012, NC4-105-02-99

Greensboro, NC 27420-6012

Carolina First Bank

104 S. Main St.

Greenville, SC 29601-2711

Edwin W. Bowden, Esq.

Bowden &amp; Laws, PC

119 Brookstown Ave., Suite 401

Winston-Salem, NC 27101-5400

Fia Card Services, NA As Successor In Intere

Bank of America NA and Mbna America Bank

1000 Samoset Drive

DE5-023-03-03

Newark, DE 19713-6000

(p)FIRST CITIZENS BANK TRUST COMPANY

P O BOX 25187

RALEIGH NC 27611-5187

GE Money Bank

Bankruptcy Dept.

P.O. Box 103104

Roswell, GA 30076-9104

GEMB - Care Credit

P.O. Box 981439

El Paso, TX 79998-1439

GEMB - Lowes

P.O. Box 981064

El Paso, TX 79998-1064

(p)INTERNAL REVENUE SERVICE

CENTRALIZED INSOLVENCY OPERATIONS

PO BOX 21126

PHILADELPHIA PA 19114-0326

NC Department Of Revenue

P.O. Box 25000

Raleigh, NC 27640-0002

NC Dept Of Revenue

P.O. Box 1168

Raleigh, NC 27602-1168

North Carolina Department of Revenue

Bankruptcy Unit

P.O. Box 1168

Raleigh, NC 27602-1168

Polk County Clerk Of Court

File 10-CVS-148

P.O. Box 38

Columbus, NC 28722-0038

Polk County Tax Collector

P.O. Box 308

Columbus, NC 28722-0308

U.S. Attorney's Office

Room 207 US Courthouse

100 Otis St.

Asheville, NC 28801-2608

US Attorney's Office

Suite 1700 Carillon Bldg

227 W. Trade St.

Charlotte, NC 28202-1675

Ward &amp; Smith, PA

BB&amp;T Building, Suite 1403

1 West Pack Square

Asheville, NC 28801-3401

Lorraine Gibson Mosseller

P.O. Box 77

Lynn, NC 28750-0077

Steven G. Tate

P.O. Box 1778

Statesville, NC 28687-1778

Wilbur Brainerd Mosseller Jr.

P.O. Box 77

Lynn, NC 28750-0077

William S. Gardner

Gardner Law Offices

PO Box 1000

Shelby, NC 28151-1000

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

First Citizens Bank  
Attn: Roz Johnson Duty  
POB 25187 DAC 36  
Raleigh, NC 27611-5187

IRS  
P.O. Box 21126  
Philadelphia, PA 19114

(d)Internal Revenue Service  
P.O. Box 21126  
Philadelphia, PA 19114

End of Label Matrix  
Mailable recipients 27  
Bypassed recipients 0  
Total 27